

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of the Commission's Rules to) CC Docket No. 94-102
Ensure Compatibility with Enhanced)
911 Emergency Calling Systems)

Petition of GTE Wireless Incorporated)
for Waiver of Section 20.18(c) of the)
Commission's Rules)

To: Wireless Telecommunications Bureau

PETITION FOR WAIVER OF GTE WIRELESS INCORPORATED

GTE Wireless Incorporated ("GTE"), on behalf of its affiliated cellular and PCS licensees, pursuant to Section 22.119¹ of the Rules of the Federal Communications Commission ("FCC" or "Commission") and the guidelines established by FCC Wireless Telecommunications Bureau ("Bureau") *Order* released November 13, 1998², hereby requests that the Bureau waive application of Section 20.18(c) of the Commission's Rules. Section 20.18(c) requires licensees subject to this section to "be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means

¹ 47 C.F.R. § 22.119.

² Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Order*, DA 98-2323 (Wireless Telecommunications Bureau), released November 13, 1998 ("*November 13 Order*").

other than mobile radio handsets, e.g., through the use Text Telephone Devices.”³ A waiver is necessary because, despite the best efforts of the Wireless TTY Forum⁴ (“Forum”), it is technically impossible for CMRS carriers to comply with the Commission’s Rules governing TTY access to 911 over digital systems until the appropriate equipment is commercially available.

I. BACKGROUND

By *Order* dated September 30, 1998, the Bureau extended the suspension of enforcement of Section 20.18(c) of the Commission’s Rules from October 1, 1998 to November 15, 1998, and requested answers to specific questions to help the Bureau determine whether it should continue the suspension.⁵ On October 30, 1998, the Cellular Telecommunications Industry Association (“CTIA”) and the Personal Communications Industry Association (“PCIA”) filed, on behalf of their members, responses to the Bureau’s questions and requested that the Bureau continue suspension of enforcement of Section 20.18(c) beyond the scheduled November 15,

³ 47 C.F.R. § 20.18(c).

⁴ Since September 1997, the wireless telecommunications industry (comprised of wireless telecommunications carriers, including GTE, and equipment manufacturers), manufacturers of TTY equipment, emergency and relay services providers (911 and TRS), and consumer organizations that represent individuals who are deaf and hard-of-hearing have undertaken intensive collaborative efforts through the Wireless TTY Forum to develop viable solutions for TTY users to access 911 over digital systems.

⁵ Revision of the Commission’s Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Order*, DA 98-1982 (Wireless Telecommunications Bureau), released September 30, 1998 (“*September 30 Order*”).

1998 termination date.⁶ In the October 30 filing, CTIA also submitted the Workplan of the Forum. The Workplan identified possible solutions for TTY access over digital wireless systems and, along with the responses to the Bureau's questions, clearly demonstrated that carriers operating digital wireless systems will not be able to comply with the requirements of Section 20.18(c) in the near term.

In the *November 13 Order*, the Bureau further extended the suspension of enforcement of Section 20.18(c) through December 31, 1998 and established procedures for waivers of such requirements after the suspension of enforcement expires.⁷ In addition, the Bureau noted their appreciation of the efforts of the Forum and encouraged the work to continue.

II. DISCUSSION

A. GTE's request for waiver of Section 20.18(c) meets the Section 22.119 waiver standard.

Section 22.119 of the Commission's Rules provides that the FCC may grant a waiver request in two circumstances. A waiver may be granted if a party shows that the "underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest."⁸ A waiver may also be granted if the FCC finds that "application of the

⁶ Joint Comments of the Cellular Telecommunications Industry Association and Personal Communications Industry Association, CC Docket 94-102, filed October 30, 1998, at 3 and Appendix A.

⁷ *November 13 Order* at ¶ 7.

⁸ 47 C.F.R. § 22.119(a)(1).

rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or that the applicant has no reasonable alternative.”⁹

In this petition, GTE seeks waiver of Section 20.18(c) of the Commission's Rules as that section relates to the transmission of 911 calls made from TTY devices using digital wireless systems. GTE believes that a waiver of Section 20.18(c) is warranted because GTE has no reasonable alternative of complying with the Section 20.18(c) requirement with respect to digital wireless systems. GTE has no reasonable alternative because the necessary equipment is not yet commercially available.

The efforts of the Forum to develop a solution that will enable the use of TTY devices over digital wireless systems have been well documented in the Quarterly Status Reports submitted to the Commission on April 10, 1998, July 10, 1998 and October 13, 1998.¹⁰ Based on the documented test results in the Status Reports and the facts presented in the joint CTIA and PCIA October 30 filing and Workplan, it is clear that no manufacturer of wireless digital handsets will have a commercially available product by January 1, 1999. Indeed, in the *November 30 Order*, the Bureau acknowledged that carriers operating digital wireless would not be able to bring themselves into compliance with the requirements of Section 20.18(c) in the near future.¹¹ Without the appropriate equipment, it is technically and fundamentally

⁹ 47 C.F.R. § 22.119(a)(2).

¹⁰ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Quarterly Status Reports filed April 10, 1998, July 10, 1998, and October 13, 1998.

¹¹ *November 13 Order* at ¶ 5.

impossible for CMRS carriers offering digital wireless services to comply with the FCC's rules governing TTY access to 911 over digital wireless systems by January 1, 1999. Accordingly, GTE contends that its waiver request satisfies the Section 22.119 criteria that GTE has no reasonable alternative of complying with the Section 20.18(c) requirement with respect to its digital wireless systems.

B. GTE plans to comply with the provisions of Section 20.18(c) as soon as a solution for digital service is readily available.

In the *November 13 Order*, presumably in addition to the Section 22.119 waiver requirements, the Bureau set forth three showings that carriers must make in order to obtain a waiver of the Section 20.18(c) requirements for digital systems.¹² GTE discusses each of these showings below.

1. GTE is committed to taking all necessary steps to make TTY devices capable of operating with digital cellular systems as soon as a solution is developed and equipment is readily available.

In the *November 13 Order*, the Bureau asked petitioners to specify "[w]hat steps the carrier is taking or intends to take to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless phones."

In response, GTE affirms that it has been an active participant in the Forum in its efforts to develop a solution that will enable the use of TTY devices over digital wireless systems. GTE is committed to continuing its support of the Forum and appropriate

¹² *Id.* at ¶ 11.

industry technology groups to arrive at a readily achievable solution.¹³ In addition, GTE will continue to work towards the development of such a solution through the work of the CDMA Development Group¹⁴ ("CDG"), to which GTE provides leadership and financial support. Since all of GTE's digital wireless systems are based upon CDMA technology, a single CDMA solution is all that is necessary for GTE to enable TTY users to communicate through digital systems. GTE pledges that once a technological CDMA solution is developed and equipment implementing that solution is readily available, GTE will come into compliance with the requirements of Section 20.18(c) as soon as reasonably possible.

2. At this time, GTE is unable to pinpoint when it will be able to implement technology enabling TTY users to communicate through digital cellular systems.

The November 13 order requires carriers seeking a waiver to state "[w]hen the carrier intends to make this capability available to TTY users." The Bureau stated that "[t]his information should include well-documented timetables and milestones from the carrier regarding the implementation of this capability."

In response, GTE affirms that it cannot develop a schedule for implementation of a means for TTY devices to communicate over GTE's CDMA wireless systems until a viable commercially available solution for TTY compatibility over digital wireless

¹³ GTE notes that Section 255(c) of the Communications Act, 47 U.S.C. § 255(c), requires providers of telecommunications service to "ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable."

¹⁴ The CDMA Development Group is an international industry association of 100 companies, including the world's leading manufacturers and operators of digital cellular and PCS communications systems.

systems is available. As soon as GTE can reasonably determine when a readily achievable solution for CDMA will become available, GTE will develop an implementation schedule and inform the FCC of the schedule, and, as appropriate, the progress against such schedule.

3. GTE efforts to address the need for TTY users to communicate through digital cellular systems will continue through industry forums and communication with GTE's switch vendors.

Finally, the Bureau requires parties seeking a waiver to explain "what reasonable steps the carrier will take to address the consumer concerns referenced in the September 30 Order."¹⁵

In response, GTE affirms that it believes the best means of obtaining a technological solution that will enable TTY users to communicate through digital cellular systems is through the Forum and other industry groups. As noted above, GTE has actively supported these efforts and will continue to do so until a solution is available.¹⁶ In addition, GTE has communicated with its switch manufacturers regarding their efforts to develop and implement a solution. GTE will continue those communications in an effort to implement a solution as soon as one is readily available.

¹⁵ See *September 30 Order* at ¶ 9 & Appendix.

¹⁶ This effort is reflected in the October 30 Workplan. See October 30 Solutions Matrix and Workplan, Appendix C.

III. CONCLUSION

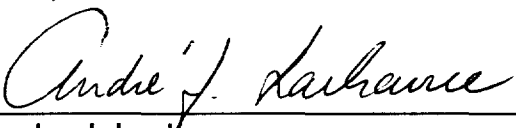
GTE has demonstrated in this pleading that waiver of Section 20.18(c) of the Commission's Rules is justified. GTE has shown that it has no reasonable alternative by which to comply with the provisions of Section 20.18(c) because equipment is not yet commercially available. In addition, GTE has provided the Bureau with information regarding GTE's efforts to develop and implement a technological solution that will enable TTY users to communicate through digital cellular systems. For these reasons, the Bureau should grant GTE's waiver request.

Dated: December 4, 1998

Respectfully submitted,

GTE Service Corporation and its affiliated
cellular and PCS licensees


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CERTIFICATE OF SERVICE

I, Judy R. Quinlan, hereby certify that copies of the foregoing "Petition for Waiver of GTE Wireless Incorporated" have been mailed by first class United States mail, postage prepaid, on December 4, 1998 all parties of record.



Judy R. Quinlan